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Mission permanente du Portugal
Genève

HUMAN RIGHTS COMMISSION

44th session

(Item 12)

RIGHT OF REPLY

Statement by Mrs Ana Martins Gomes,
member of the Portuguese delegation

Geneva, 12th March 1988

In his right of reply under item 12, the distinguished delegate of Indonesia has stated that the people of East Timor have already exercised their right to selfdetermination by integration in Indonesia in July 76 and in support of his thesis he quotes General Assembly resolutions 1541 (XV), 1514 (XV) and 2625 (XXV).

In the view of the Portuguese delegation this quoting of the above mentioned GA resolutions is an intentionally misguiding reference, aiming at confusing the entire international community and especially the Non Aligned countries, who naturally particularly praise the respect for selfdetermination.

The truth is that according exactly to these GA Resolutions, the people of East Timor has not yet exercised their right to selfdetermination. Otherwise, why would the Committee on Decolonization every year, in August, spend some of its sessions discussing East Timor? The reason is that East Timor is still in the list of non autonomous territories of the United Nations. According to the United Nations, East Timor is not a province of Indonesia, as Indonesian authorities pretend, and this because it has not exercised its right to selfdetermination in compliance with the relevant UN resolutions.

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According to these resolutions, the quoted GA 1541 and 1514, there are three ways out for the selfdetermination of a non autonomous territory: integration, independence or association.

The Portuguese Government, who has no sovereignty claims over East Timor, has many times stated its willingness to accept any of these possible outcomes. Provided that there is the essential requisite established in these resolutions: a genuine act of selfdetermination, through which the people of East Timor will be able to freely express their will, and which will be accepted as such by the international community, thus complying with the UN rules and criteria.

This is exactly what was not the case in the so called "consultation" of July 76, that the UN did not recognize as a selfdetermination act, for the reasons I don't need to explain anylonger, since we have already in this session recalled them in detail in our statement under item 9.

My country Portugal, the democratic nation who has promoted the decolonization of its other former colonies, is undoubtedly attached to the internationally recognized principles and namely to the principle of selfdetermination. My people has learnt at their own expenses to respect it and praise it, as anyone who knows recent History will recall.

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Therefore Portugal is also particularly attached to the 1541 (XV) and 1514 (XV) resolutions. In its capacity of administering power of East Timor, Portugal is doing its best to see them enforced in a territory where the process of decolonization could not be achieved because of the Indonesian invasion in December 75.

That is exactly the aim that Portugal is pursuing in the talks with the Indonesian representatives under the auspices of the Secretary General. The question of the exercise of self determination for the people of East Timor together with the respect for their human rights and fundamental freedoms is essential to the global solution which will bring peace to the territory that the Secretary General is mandated to seek.

Since I've just mentioned human rights of the Timorese, allow me, Mr Chairman, a short detour in my reasoning, just to comment the rather bizarre conception of humanitarian concerns the Indonesian authorities show, judging from the explanation the distinguished delegate of Indonesia presented us in his right of reply, regarding the executions after prolonged incarceration occured in his country recently (fact which, by the way, my delegation had not mentioned). According to that explanation, these executions should not be seen as a human rights issue rather a legal issue, since they were the result of a long juridical process of clemency. I would just like to point out that clemency was exactly what was missing in the end, in spite of the long years of incarceration.

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This example is indeed a very explicit reason for the existence of this Commission and/of the long path its members gives as an idea still have ahead to go, in order to irradicate so aberrant conceptions of human rights.

Coming back into the question of the talks between Portugal and Indonesia under the auspices of the Secretary General, the distinguished delegate of Indonesia noted in his right of reply that dialogue can only be sucessful when there is sincerity, since the adoption of a two-faced approach could jeopardize its outcome.

My delegation fully agrees with him and just would like to add that another essential element for the success of dialogue is the disposition to compromise, to make concessions. And in this respect allow me to point out that as far as the problem of East Timor is concerned, it is mainly up to Indonesia - who occupies the territory, rules over the daily life of its people, restricts the access to East Timor and prevents Portugal, the administering power, from exercising its decolonization duties there - to make concessions and compromise.

As far as my country, Portugal, is concerned, there is only one thing we can't make concessions about - the respect for the internationally established principles: the right of peoples to selfdetermination and the respect for human rights and fundamental freedoms.

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